

1 JAMES R. LANGFORD III
2 California Bar # 97671
3 500 Ygnacio Valley Road
4 Suite 490
Walnut Creek, CA 94596

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA
6 FOR THE COUNTY OF MARIN

RECEIVED

OCT 21 1993

HUB LAW OFFICES

7 CHURCH OF SCIENTOLOGY)
8 INTERNATIONAL, a California)
9 not-for-profit religious)
10 corporation,)

CASE NO. 157 680

11)
12 Plaintiff,)

SOLINA WALTON'S EX PARTE
APPLICATION FOR ORDER
SHORTENING TIME FOR NOTICE OF
HEARING ON MOTION TO EXPUNGE
LIS PENDENS; AND FOR EX PARTE
APPLICATION FOR ORDER GRANTING
LEAVE FOR SOLINA WALTON TO
INTERVENE; DECLARATIONS OF
SOLINA WALTON AND ANDREW PAULSON
PROPOSED ORDER THEREON

13)
14 vs.)

15)
16)
17)
18)
19)
20)
21 GERALD ARMSTRONG; MICHAEL)
22 WALTON; THE GERALD ARMSTRONG)
23 CORPORATION, a California for)
24 profit corporation; DOES 1)
25 through 100, inclusive,)

Date: October 21, 1993
Time: 9:30 P.M.
Dept: One
Trial Date: None Set

26)
27 Defendants.)
28)

29 TO: CHURCH OF SCIENTOLOGY INTERNATIONAL AND TO ITS ATTORNEYS OF

30 RECORD:

31 I, JAMES R. LANGFORD III, declare:

32 I am the attorney for SOLINA WALTON (hereinafter "SOLINA") in the
33 above-entitled action. I apply, pursuant to Code of Civil Procedure
34 Section 405.30, Code of Civil Procedure Section 1005(a), C.R.C. 379
35 and 305, and Local Rule 2.10. and for all documents of which this
36 court may take judicial notice, for an order shortening time for
37 service of the attached motion to five days and for an order
38 granting leave of SOLINA to intervene in this action. There is good
39 cause for granting the order granting leave for Solina to intervene

1 in that SOLINA is the recorded owner of the real property which is
2 the subject of the lis pendens in this matter and is not a named
3 party. C.C.P. Section 405.30 authorizes any nonparty with an
4 interest in the real property affected to apply to the court in
5 which the action is pending to expunge the notice. A further
6 requirement is that the nonparty obtain leave to intervene from the
7 court at or before the time the party brings the motion to expunge
8 the notice.

9 There is good cause for granting leave for the order
10 shortening time because the benefit to SOLINA far outweighs any
11 inconvenience to plaintiff. Should SOLINA's motion be denied,
12 plaintiff is in the same position. However, should SOLINA prevail
13 on her motion, but the motion takes weeks to be heard, she will
14 have lost the mortgage refinance for which she is currently
15 approved. If she is to enjoy the benefit of a prevailing motion, it
16 must be within a time limit that allows her to close on her
17 approved refinance.

18 Because of the currently existing low interest real estate
19 loans, SOLINA has been attempting to refinance her home since early
20 July 1993. Her application has been processed and approved and was
21 scheduled to fund on Monday, October 18, 1993 and was to close the
22 following day. She signed the final loan documents at 2:00 P.M. on
23 Thursday, October 14, 1993. At approximately 4:00 P.M. that same
24 day she was informed that the final title search showed the lis
25 pendens and that the lender would not allow the transaction to
26 proceed until the lis pendens was removed. The lender agreed to

1 hold the loan documents open for "a few days" in order for her to
2 attempt to have the lis pendens expunged or withdrawn. The monthly
3 mortgage payment savings to SOLINA if the loan is allowed to close
4 is approximately \$1425.24. In addition, there is a substantial tax
5 savings. If SOLINA is unable to substantially shorten the time
6 within which to bring the motion to expunge the lis pendens, the
7 opportunity to obtain the refinance loan will be lost.

8 This ex-parte application is based upon this notice, the
9 attached declarations, the court's files and records in this case
10 and such other material as is presented in support of the
11 application.

12 Dated: October 20, 1993

13 

JAMES R. LANGFORD III

1 DECLARATION OF SOLINA WALTON

2 I, Solina Walton, declare under penalty of perjury under the
3 laws of the State of California that the following recitation is
4 true and correct.

5 (1) I am the record owner of the property which is the subject
6 of this lawsuit (hereinafter "PROPERTY") and on which a notice of
7 lis pendens has been recorded. I have been an owner since October
8 24, 1991 as evidenced by deed recorded in the Official Records of
9 the County of Marin on October 30, 1991. A copy of that deed is
10 attached hereto as Exhibit "A".

11 (2) I am not a party to the lawsuit nor have I been served
12 with notice of the lis pendens.

13 (3) Because of the low interest rates on home loan mortgages,

1 I began working on refinancing the PROPERTY in early July 1993 and
2 submitted the loan application in mid-July 1993.

3 (4) Escrow was opened on August 2, 1993 and the loan was
4 approved and the loan was approved in late August. The adjustable
5 loan rate was "locked in" in early September.

6 (5) I signed the final loan documents on Thursday, October 14,
7 1993 and I was told at that time that the loan would fund on the
8 following Monday and close on October 19, 1993. In the late
9 afternoon of October 14, 1993, I was informed that the lender would
10 not go forward with the loan because of the notice of lis pendens
11 recorded by the plaintiff in this action.

12 (6) Through conversation with my husband, Michael Walton, I
13 was aware that a notice might have been or might be recorded
14 against the property. I asked the loan officer to confirm the
15 recordation of such a notice on several occasions and was informed
16 that preliminary title checks did not disclose any blemishes on the
17 title. It was not until late in the afternoon of October 14, 1993
18 that I knew that a notice had been recorded.

19 (7) I am fully prepared to go through with the loan refinance.
20 The lower interest rates will allow me to combine debt and still
21 pay approximately \$1425.74 less than I am currently paying in
22 monthly mortgage payments. It will also provide me with substantial
23 tax benefits.

24 (8) I have been informed by Mr. J. Andrew Paulson, the loan
25 broker agent with whom I have been working to obtain the loan that
26 the lender will only hold the loan "open" for a few days longer

1 before withdrawing it. See the declaration of J. Andrew Paulson
2 attached hereto as Exhibit "B".

3 (9) The sole purpose of this refinance is to take advantage of
4 the low mortgage interest rates by combining the first and second
5 mortgages and my car loan which are all currently financed at rates
6 much higher than the interest rate available through the refinance;
7 i.e., to save a substantial sum of money. I have no knowledge of
8 any conspiracy to commit any kind of fraud upon Scientology or
9 anyone else with respect to my trying to save \$1500 per month in
10 mortgage payments.

11 The facts hereinabove recited are personally known to me and
12 if called upon to testify, I could and would competently do so.

13 Dated: October 20, 1993

14 Place: San Anselmo, CA

15
16

15/

Solina Walton

17 DECLARATION OF JAMES R. LANGFORD III

18 (1) I, James R. Langford III, declare under penalty of perjury
19 under the laws of the State of California that the following
20 recitation is true and correct.

21 (2) I am an attorney licensed to practice law before all the
22 courts of California and I represent SOLINA WALTON in this matter.

23 (3) Declarant has given notice of the time, place and reason
24 for the present application for ex-parte order to counsel for

1 plaintiff and defendants in the following manner:

2 (a) To plaintiff by telephone conversation on October 20,
3 1993 at 1:25 P.M. with Attorney Wilson of Wilson, Ryan &
4 Campilongo. Mr. Wilson acknowledged the notice.

5 (b) To defendant, Michael Walton, by telephone
6 conversation on October 20, 1993 at 1:00 P.M. with the person of
7 Michael Walton. Mr. Walton indicated to me that he had no objection
8 to this application.

9 (c) To defendants, Gerald Armstrong and the Gerald
10 Armstrong Corporation, by telephone call to the office of Ford
11 Greene, Esq. on October 20, 1993 at 1:30 P.M. Mr. Greene indicated
12 to me that he had no objection to this application.

13 The facts hereinabove recited are personally known
14 to me and if called upon to testify, I could and would competently
15 do so.

16 Dated: October 20, 1993

17 Place: Walnut Creek, CA

18 JS
19 James R. Langford III

OCT 29

ORDER

HAVING READ AND CONSIDERED the above application, and good cause appearing, IT IS ORDERED that:

SOLINA WALTON is hereby granted permission to intervene in this action.

The motion of SOLINA WALTON for an order expunging the notice lis pendens recorded in this action may be heard on Oct. 29, at 9:00 A.M. Dept. 1

This order and the attached application and supporting papers shall be served by personal delivery on the attorney of record for plaintiff, Church of Scientology International and on the attorneys of record for defendants Gerald Armstrong, The Gerald Armstrong Corporation and Michael Walton, by Oct 21, 1993 by 5:00 pm.

All papers opposing the motion shall be filed by plaintiff, Church of Scientology International and defendants by Oct 26, 1993 by noon

and shall be served by personal delivery to the attorney of record for Solina Walton by Oct. 26, 1993 by FAX. BEFORE 5 pm.

~~All reply papers shall be filed by NO REPLY, and shall be served on the other parties by personal delivery on the respective attorneys of record by _____.~~

Dated: OCT. 21, 1993

Judge of the Superior Court

FIRST SECURITY FINANCIAL SERVICES

The Bay Area's Premier Diversified Mortgage Broker

OCTOBER 20, 1993

JAMES LANGFORD
ATTORNEY AT LAW
500 YGNACIO VALLEY RD., STE. 500
WALNUT CREEK, CA 94596

DECLARATION RE: MICHAEL & SOLINA WALTON

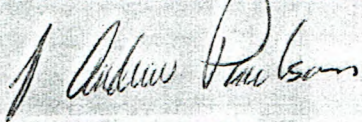
THIS DECLARATION IS WRITTEN TO CLARIFY THE WORK IN PROGRESS FOR MR. & MRS. WALTON.

I STARTED WORKING ON THIS REFINANCE IN EARLY JULY AND MET WITH MRS. WALTON ON 07/16/93 TO FILL OUT THE LOAN APPLICATION. THE FIRST APPRAISAL WAS PERFORMED ON 07/19/93, THE SECOND WAS PERFORMED SHORTLY THEREAFTER. ESCROW WAS OPENED ON 08/02/93 AND THE LOAN WAS APPROVED IN LATE AUGUST AND THE RATE WAS LOCKED IN EARLY SEPTEMBER. LOAN DOCUMENTS ARE SIGNED AND THE LOAN SHOULD HAVE CLOSED 10/19/93.

THE TRANSACTION IS STALLED DUE TO THE RECORDATION OF A LIS PENDENS AND THE WALTONS ARE NOT ABLE TO MOVE FORWARD AT THIS TIME. THE MONTHLY SAVINGS TO THE WALTONS ARE APPROXIMATELY \$1425.74 IN ADDITION TO A SUBSTANTIAL TAX SAVINGS.

THE DOCUMENTATION I HAVE PREPARED IS DATED AND THE LENDER WILL ONLY HONOR THE APPROVAL FOR A SHORT PERIOD OF TIME. IF THE WALTONS ARE TO BENEFIT FROM THIS REFINANCE THE LIS PENDENS MUST BE REMOVED IMMEDIATELY.

I J. ANDREW PAULSON DECLARE UNDER PENALTY OF PERJURY, UNDER THE LAWS OF THE STATE OF CALIFORNIA, THAT THE FACTS HEREIN ABOVE RECITED ARE TRUE AND CORRECT AND ARE PERSONALLY KNOWN TO ME. IF CALLED UPON TO TESTIFY I COULD AND WOULD COMPETENTLY DO SO.



J. ANDREW PAULSON
10/20/93 SAN RAFAEL, CA

Escrow No. 36428LB
Loan No.

RECORDED AT REQUEST OF
FIRST AMERICAN

91-069268 | Rec
| Char
Recorded |
Official Record |
County of |
MARIN |
JAMES DAL BON |
Recorder |
8:00am 30-Oct-91 |

WHEN RECORDED REF TO:

Mr. Michael Walton
707 Fawn Drive
San Anselmo, Ca. 94960

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

NO CONSIDERATION-REALTHY NOT SOLD
DOCUMENTARY TRANSFER TAX \$.....

..... Computed on the consideration or value of property conveyed; OR
..... Computed on the consideration or value less liens or encumbrances
remaining at time of sale.

same as above

per undersigned grantor
Signature of Declarant or Agent determining tax - Firm Name

#177-122-17

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
MICHAEL L. WALTON, a married man who acquired title as MICHAEL L. WALTON
an unmarried man.
hereby GRANT(S) to
MICHAEL L. WALTON AND SOLINA BEHBEHANI-WALTON, husband and wife as Joint Tenants.

the real property in the City of
County of Marin, State of California, described as

See legal description attached hereto and made a part hereof

Dated October 24, 1991

Michael L. Walton
MICHAEL L. WALTON

STATE OF CALIFORNIA } ss.
COUNTY OF Marin }

On October 24, 1991

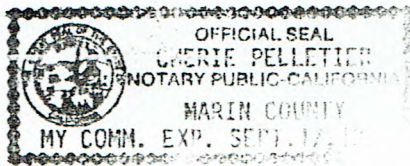
before me, the undersigned, a Notary Public in and for said State, per-
sonally appeared

Michael L. Walton

personally known to me (or proved to me on the basis of satisfactory
evidence) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed
the same.

WITNESS my hand and official seal.

Signature *Cherie Pelletier*



(This area for official notarial)

DESCRIPTION

All that certain real property situate in the County of Marin, State of California, described as follows:

PARCEL ONE:

Parcel Two as shown upon that certain Parcel Map entitled, "Parcel Map Lands of California Land Title Portion Lands described in Book 2887 of Official Records, at Page 367, also being Portion of Lots 501 and 501-A, Unrecorded Map of Sleepy Hollow Acres, Vicinity of San Anselmo, Marin County California", filed for record April 8, 1976 in Volume 12 of Parcel Maps, at Page 43, Marin County Records.

EXCEPTING THEREFROM all that portion as described in the Deed from Fawn Partnership, a California Limited Partnership, to Alain Pigois, et ux, recorded February 27, 1989 as Recorder's Serial No. 89-11373, Marin County Records.

PARCEL TWO:

AN EASEMENT for ingress, egress and public utility purposes described as follows:

BEGINNING at a point on the centerline of Fawn Drive, said point being the most Southwesterly corner of Parcel 3, as shown upon that certain map entitled, "Parcel Map Lands of California Land Title Portion Lands described in Book 2887 of Official Records, at Page 367, also being a portion of Lots 501 and 501-A, unrecorded Map of Sleepy Hollow Acres, Vicinity of San Anselmo, Marin County, California", filed for record April 9, 1976 in Volume 12 of Parcel Maps, at Page 43, Marin County Records, said point also being the intersection of the calls "South 26° 20' East 135 feet and North 63° 40' East 20 feet" as contained in Parcel 2 of the Deed executed by California Land Title Company, a corporation, to Michael C. McGuckin, et ux, recorded March 26, 1976 in Book 3010 of Official Records, at Page 190, Marin County Records; thence from said point of beginning and along the exterior boundary of said Parcel 3, North 63° 40' East 20 feet; thence North 75° 07' 20" East 164.00 feet; thence leaving said exterior boundary of Parcel 3, North 12° 41' East 85.00 feet; thence North 18° 45' West 126.00 feet, thence North 13° 30' East 79.21 feet to the Northwesterly boundary of parcel 1, as shown upon that certain map referred to hereinabove; thence along the exterior boundary of said parcel 1, South 84° 00' West 75.70 feet to the most Northerly corner of the parcel of land described in the Deed executed by Charles B. Robertson, et ux, to Paul Hopkins Talbot, Jr., et ux, recorded January 30, 1956 in Book 1002 of Official Records, at Page 623, Marin County Records; thence continuing along said exterior boundary of Parcel One, South 21° 53' 30" East 111.77 feet; thence leaving said exterior boundary of Parcel 1, South 18° 45' East 95.06 feet, thence South 21° 48' West 70.66 feet; thence South 75° 07' 20" West 160.00 feet to the centerline of Fawn Drive; thence along the exterior boundary of said Parcel 3, also being the centerline of Fawn Drive, South 26° 20' East 24.46 feet to the point of beginning.